

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

GEMINI INSURANCE COMPANY,

Plaintiff,

v.

USPLABS, LLC,

Defendant.

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Civil Action No. **3:15-CV-3195-L**

ORDER

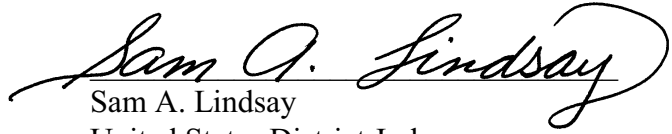
Before the court is Defendant's Motion to Dismiss for Lack of Subject Matter Jurisdiction or, Alternatively, Motion to Stay (Doc. 22), filed December 9, 2015. On March 30, 2016, Magistrate Judge Renée Harris Toliver entered Findings, Conclusions and Recommendation of the United States Magistrate Judge ("Report") recommending that the court deny Defendant's Motion to Dismiss for Lack of Subject Matter Jurisdiction and grant Defendant's alternative Motion to Stay. The magistrate judge recommends that the court stay the proceedings in this case pending resolution of the federal criminal proceedings filed against Defendant and several of its corporate officers in *United States v. USPLabs, et al.*, Case No. 3:15-CR-496-L. No objections to the Report were filed.

After carefully reviewing the motion, pleadings, the record, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **denies** Defendant's Motion to Dismiss for Lack of Subject Matter Jurisdiction, and rather than grant Defendant's alternative Motion to Stay (Doc. 22), the court will administratively close it. Any case over three years old, is considered an "old" case by the Administrative Office and is put on a national report. The age of a case continues to accrue if it is

merely stayed; however, if it is administratively closed, the time is tolled with the case's age. Accordingly, the court determines that this case should be, and is hereby, **administratively closed**.

The United States District Clerk is hereby **instructed** to submit JS-6 form to the Administrative Office, thereby removing this case from the statistical records. Nothing in this order shall be considered a dismissal or disposition of this case, and, should further proceedings in it become necessary or desirable, any party or the court may initiate such further proceedings in the same manner as if this order had not been entered. Within 60 days of the resolution of the criminal action against Defendant and several of its corporate officers in *United States v. USPLabs, et al.*, Case No. 3:15-CR-496-L, Plaintiff or Defendant or both parties' shall file a motion to reopen this case.

It is so ordered this 18th day of April, 2016.


Sam A. Lindsay
United States District Judge